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Chairman: Mr. Galuška ..... (Czech Republic)

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00-27255 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 112: Promotion and protection of the rights of children (*continued*) (A/C.3/54/L.46)

Draft resolution A/C.3/54/L.46

1. **Ms. De Wet** (Namibia), introducing draft resolution A/C.3/54/L.46 on behalf of the original sponsors and Algeria, Armenia, Azerbaijan, Bhutan, Cameroon, Cyprus, Denmark, Greece, Guinea-Bissau, Indonesia, Israel, Jamaica, Japan, Mongolia, New Zealand, the Philippines, Thailand and Viet Nam, urged Member States, the United Nations, non-governmental organizations and, in particular, women's organizations to ensure that the interests, needs and rights of girl children were respected in all their undertakings. She hoped that the draft resolution would receive the same support as in previous years.

Agenda item 107: Crime prevention and criminal justice (*continued*) (A/C.3/54/L.24)

Draft resolution A/C.3/54/L.24

2. **The Chairman** informed the Committee that the draft resolution had no programme budget implications. The following countries should be added to the list of sponsors given in document A/C.3/54/L.24: Argentina, Armenia, Australia, Benin, Canada, the Dominican Republic, Egypt, Germany, Guatemala, Guinea, Iceland, Japan, Lesotho, Mongolia, the Netherlands, Norway, Panama, the Philippines, the Republic of Korea, Slovenia, Solomon Islands, Tajikistan, Thailand, Turkmenistan, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uzbekistan.

3. **Ms. Newell** (Secretary of the Committee) read out the amendments that had been made to the draft resolution when it was introduced.

4. **Mr. Ferguson** (Bahamas) requested that the withdrawal of his delegation from the list of sponsors should be noted in the records.

5. **The Chairman** said that, if he heard no objections, he would take it that the Committee wished to adopt draft resolution A/C.3/54/L.24, as orally amended, without a vote.

6. *It was so decided.*

Agenda item 116: Human rights questions: (*continued*)

(a) Implementation of human rights instruments (A/54/40, A/54/44, A/54/56, A/54/65, A/54/80, A/54/91, A/54/98, A/54/177, A/54/189, A/54/277, A/54/346, A/54/348, A/54/368, A/54/387, A/54/426, A/C.3/54/5, A/C.3/54/L.50, A/C.3/54/L.52)

7. **Ms. Barker** (Jamaica) said that international law did not prohibit the application of the death penalty, the imposition of which was the sovereign prerogative of each Government in response to the democratically determined priorities of the population. The major international and regional human rights agreements did not attempt to abolish capital punishment but rather, to define the parameters within which it could be applied. The International Covenant on Civil and Political Rights, the American Convention on Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms all recognized the right of States to impose the death penalty for the most serious crimes, in accordance with the laws existing in individual States. Her country believed that the question of the imposition of that penalty was one to be decided by each country in consultation with its citizens. In Jamaica, the penalty was only applicable to the most serious cases of murder. Furthermore, the Constitution provided for the right to a fair trial and to protection from inhuman or degrading punishment, while the Penal Code established a wide range of judicial procedures to protect those rights. The State provided legal representation for all persons charged with murder. The judicial system of Jamaica therefore offered accused persons all the necessary safeguards, with the additional right to appeal to the Inter-American Commission on Human Rights. Her Government did not consider that capital punishment was a matter for consideration by the United Nations and therefore called upon the sponsors to withdraw the draft resolution that had been introduced on that question.

Draft resolution A/C.3/54/L.50

8. **Ms. Geelan** (Denmark), introducing the draft resolution, said that Angola, Ecuador and Senegal had joined the sponsors of draft resolution A/C.3/54/L.50. In paragraph 6, line 4, the words "to include" should be deleted, in order to bring the draft into line with the text submitted to the Secretariat. She hoped that the

draft resolution would be adopted without a vote, as in previous years.

Draft resolution A/C.3/54/L.52

9. **Ms. Funered** (Sweden) introduced draft resolution A/C.3/54/L.52 on behalf of the Nordic countries, the sponsors named in the document and Belgium, Croatia, France, Liechtenstein, New Zealand, Panama, the former Yugoslav Republic of Macedonia, the Republic of Moldova and Venezuela. She hoped that the draft resolution would be adopted by consensus, as in previous years.

Agenda item 116: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/54/93, A/54/137, A/54/216, A/54/222 and Add.1, A/54/303, A/54/319, A/54/336, A/54/353, A/54/360, A/54/386, A/54/399 and Add.1, A/54/401, A/54/439 and A/54/491)

(c) Human rights situations and reports of special rapporteurs and representatives (A/54/188, A/54/302, A/54/330-S/1999/958, A/54/331-S/1999/959, A/54/359, A/54/361, A/54/365, A/54/366, A/54/387, A/54/396-S/1999/1000, A/54/409, A/54/422, A/54/440, A/54/465, A/54/466, A/54/467, A/54/482, A/54/493, A/54/499, A/C.3/54/3 and A/C.3/54/4)

Report of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti (A/54/366).

10. **Mr. Dieng** (Independent expert of the Commission on Human Rights on the situation of human rights in Haiti) said that the United States of America still held the documents seized from the headquarters of the Haitian Armed Forces and of the Front pour l'avancement et le progrès Haitien, which contained important information on the former Haitian military junta. The new Minister of Justice of Haiti attached priority to the return of those documents and had drawn attention to the contradiction between the support of the United States for the trials of those accused of committing crimes against humanity in the former Yugoslavia and the lack of cooperation with regard to similar proceedings in Haiti. He had implied that the United States might be concerned because the documents contained information regarding the possible implication of its citizens in human rights violations. He recommended to the General Assembly that the United States should be invited to return the documents, which formed an essential part of the country's history, intact and without delay.

11. Haiti was being affected more seriously than ever by the weakness of its judicial system. Despite the efforts made at the penitentiary infrastructure level, detention conditions had unfortunately improved very little. Some encouraging measures had been adopted, such as those relating to the school for judges and the dismissal of members of the judiciary involved in acts of corruption and fraud. The construction of an independent judicial system accessible to all was essential to peace, democracy and development. The slow pace of the judicial reform process was therefore regrettable. The feeling of impunity prevalent in the country was only increased by the existing situation. Violence, far from decreasing, seemed to have taken on a more worrying dimension. There had been cases of violence carried out by policemen for political reasons. Drug trafficking was also on the increase in spite of the efforts made by the Haitian National Police (HNP), and the support of the international community was necessary in order to prevent the risk of destabilization caused by drug traffickers. Unfortunately, the judicial system was so lax that many police officers escaped justice by bribing the judges, thereby threatening to undermine the morale of those policemen who respected the rules in carrying out their task. On the other hand, the presence of the United Nations Civilian Police Mission in Haiti (MIPONUH) made the population feel more secure and stable, and its withdrawal might create a vacuum that could be exploited by anti-democratic forces. That risk would be averted if the mechanism for coordinating international assistance to HNP could cope with the enormous security problems looming on the horizon with the general elections scheduled for 19 March 2000.

12. With respect to the rights of women and children, he drew attention to the work of women's organizations, as a result of which victims of domestic violence were beginning to break their silence. However, the situation of *restaveks*, or children working as servants, was increasingly alarming, and their numbers had already risen to 300,000.

Fortunately, the Government of the United States of America had donated $1.2 million to help the Government of Haiti to combat that practice. Access to education remained a major problem; over a million children between 6 and 10 years of age were not enrolled in school. In the future, that fact could have a negative impact on respect for democracy and human rights, which was largely dependent on the level of education of the people.

13. Haiti had made progress towards building a democratic State with individual freedoms, and there had been significant advances in human rights since the return of constitutional legality. Nevertheless, serious problems of governance, security and poverty remained as a threat to the rule of law. The institutional deadlock over the past 20 months had jeopardized the role of the State in improving living conditions for the people, whose extreme poverty was aggravated by natural disasters such as the high incidence of HIV/AIDS. The economic, social and cultural rights of Haitians should therefore receive the full attention of the international community. In that regard, he noted the medical assistance that the Republic of Cuba was providing to the rural population and the 240 scholarships that the Cuban Government had offered for study at the Medical School in Santiago de Cuba.

14. It was essential to renew the mandate of MICIVIH, since without the determination of its authorities and the professionalism of its staff the human rights situation would not have improved, despite the good will of the Haitian Government. It was also essential that the Provisional Electoral Council should strive to retain its objectivity and impartiality in order that the elections might be held in accordance with the principles of democratic pluralism. Only in that way would it be possible to achieve the necessary stability so that Haiti could strengthen its institutional capacity, protect human rights, improve governance and reorganize its judicial system. Lastly, future missions of the Economic and Social Council should also examine the human rights situation and remain in contact with the independent expert and with the Office of the High Commissioner for Human Rights.

15. **Mr. Lelong** (Haiti) said that his Government had launched a programme of action that included judicial reform, consolidation of institutions and efforts to combat impunity and eradicate violence. With respect to the judicial system, with the help of the international community a school for the judiciary had been established and the law schools had reopened in various provincial cities. In order to reduce corruption, the Government had just approved an increase in the salaries of public officials and the allocation of funds to provide logistical support to the judiciary, although much remained to be done in that area. The Government of Haiti attached particular importance to respect for fundamental freedoms, which were guaranteed under the 1987 Constitution, and to protection of the rights of all Haitians, including the most disadvantaged groups, such as women and children. In that regard, he noted the ratification of the International Convention on the Rights of the Child and the establishment of a special juvenile court. In order to promote the right to education, the National Education and Training Plan included the implementation of a programme for the renovation of school buildings, the construction of new schools and the provision of grants for primary education. With respect to women's affairs, the Government was cooperating closely with women's organizations to prevent and punish acts of violence against women. Furthermore, there were plans to revise the discriminatory provisions contained in the Civil Code and the Penal Code, and four legislative proposals on rape, domestic service, abortion and adultery would be submitted to parliament at its next session.

16. Following the dissolution of the Haitian Armed Forces, a new police force had been established with assistance from the international community. Despite isolated abuses and human rights violations, the new institution was making encouraging progress and was supported by MICIVIH. That police force was essential to an improvement in public safety, a goal which the Government hoped to achieve by promoting good relations between the population and the police (the "Police communitaire" (community policing) programme), increasing the number of police officers from 6,000 to 9,000 in order to service the entire country and providing them with adequate resources, combating traffic in narcotics and small arms and disseminating information on fundamental human rights principles. It should be borne in mind that the causes of insecurity were not the same as they had been a few years previously. Fortunately, the era of State terrorism had ended; Haiti was currently faced with violence committed by gangs of drug traffickers, the presence of repatriated lawbreakers of Haitian origin and the difficult economic situation. Efforts to combat impunity were crucial in that regard. The Government

had taken steps to prosecute the individuals responsible for the serious human rights violations committed during the *coup d'état*, particularly during the Raboteau massacre, and their accomplices, but its task was complicated by the systematic rejection of applications for extradition and by the fact that the archives of the former Haitian Armed Forces and of the Front pour l'avancement et le progrès Haitien (FRAPH) had not yet been turned over to the Haitian courts. Those archives were an invaluable source of information for the prosecution; his delegation therefore renewed its urgent appeal that they should be returned to the Haitian authorities intact and without delay.

17. **Mr. Schalin** (Finland), speaking on behalf of the European Union, asked whether there were institutional measures to protect victims of domestic violence who lodged complaints. He also requested the independent expert's opinion of the situation concerning the rights of the child in Haiti and asked whether child labour existed and what percentage of children over age 11 were enrolled in school.

18. **Mr. Fernández Palacios** (Cuba) said that his Government supported efforts to achieve the return of the documents confiscated by the army of the United States of America and that he agreed with the independent expert that it was essential for them to be returned intact and without delay so that justice could be done and impunity combated. His delegation wondered whether the independent expert had raised that issue at the meetings of special rapporteurs and representatives, independent experts and Chairmen of the working groups of the Commission on Human Rights so that they too could call for the return of the documents in question. His delegation would endeavour to ensure that that issue was mentioned in the annual General Assembly resolution on the agenda item.

19. **Mr. Dieng** (Independent expert of the Commission on Human Rights on the situation of human rights in Haiti), replying to the statement by the representative of Haiti, said that he welcomed the Government's decision to increase the number of police officers and stressed that the recruitment of the 3,000 new officers should be carried out with the greatest possible transparency and objectivity in order to prevent the occurrence of problems during the elections. It should also be ensured that all candidates had equal access to the media during the electoral campaign. If necessary, he was prepared to cooperate in the preparation of a code of conduct to increase the transparency of the electoral process. With respect to the lawbreakers of Haitian origin who had been repatriated, in most cases from the United States of America, he called for the cooperation of all parties in helping the Haitian police to deal with the previously non-existent problem posed by such gangs.

20. In reply to the questions by the representative of Finland, he said that domestic violence could be considered another form of political violence since it had its roots in certain ways of thinking. The situation was improving, and there had been fewer threats against women who lodged complaints, because a culture that gave Haitian women freedom from fear was increasingly gaining ground. He noted that the four legislative proposals to be submitted in the coming year had been prepared in cooperation with women's organizations, which, moreover, also worked closely with the police. With respect to the *restaveks*, it was not always easy to determine whether a case was one of child labour. The practice had a long history in Haiti, and in many cases the children themselves and their families felt safer in such a situation. The Haitian Government had the political will to promote the rights of the child, but it did not have sufficient resources to do so; thus, international support was important.

21. Lastly, in reply to the question by the representative of Cuba, he said that it had not been possible at the most recent meeting of special rapporteurs and representatives, independent experts and Chairmen of working groups to consider the question of the return of the archives to Haiti but that the previous year, for the first time since 1995, the representative of the United States had responded favourably to the request for their return. Furthermore, the Commission on Human Rights had again discussed the matter in Geneva and the Friends of Haiti had promised to continue their efforts in that regard. Unless the documents were returned soon, an attempt would be made to include a reference to them in the upcoming General Assembly resolution. The return of those archives was a matter of principle since the information that they contained belonged to Haiti, and it would not be appropriate to discuss the matter in a joint commission.

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (A/54/396 and Add.1)

22. **Mr. Dienstbier** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)) said that he was grateful to the thousands of people who had been working hard to improve the situation of human rights in the region, although they had never had enough support or resources. He had an obligation not only to report on human rights violations but also to warn against the future danger of their occurrence. Prevention was of great importance to the promotion of human rights. Once a war was no longer in the news, governments almost always lost interest in the matter. Unfortunately, the international community tended to intervene only when the worst had already occurred, and even then it sometimes applied solutions that were ineffective in the long term or could even lay the ground for new crises. The international community must not repeat its error of spring 1999 when, in the interests of staff security, it had recalled the OSCE Kosovo Verification Mission before the bombing began.

23. The situation of human rights was different in the three countries of his mandate, although most of the issues were interrelated since they were the consequence of the violent dissolution of the former Yugoslavia and of the subsequent crises. Therefore, improvement of the human rights situation in the Balkans would require the pursuit of a political, economic and humanitarian strategy for all of South-Eastern Europe. Although the situation in Bosnia and Croatia had been overshadowed by the war in Kosovo, the fundamental problems remained. The Dayton Agreement had been successful in putting an end to the mass murders and preserving the security of the people in Bosnia and Herzegovina, but after four years its political goal of building a unified, multi-ethnic State had not been achieved. Furthermore, the Kosovo crisis had slowed the return of the displaced persons, and, as the High Representative in Bosnia and Herzegovina had noted, unless those returns were speeded up, most of them would never happen. He praised the zeal with which the High Representative was carrying out his task, particularly with respect to the restitution of homes and property, and hoped that his persistence would bear fruit.

24. There was still no guarantee as to the future of Bosnia and Herzegovina; its three main communities remained separated, and the dream of dividing the country between Serbia and Croatia remained alive. The President of Croatia's recent demands for the division of the Federation and the establishment of a Croatian entity should be firmly rejected. That problem must be faced before a new wave of massive human rights violations occurred. As long as Croatia did not meet its obligations under the Dayton Agreement by permitting the return of its citizens of Serbian ethnicity, it would be impossible to move forward with returns in Bosnia. There were currently about 35,000 Croatian Serbs in the Republika Srpska, many of them living in houses that belonged to Bosnians or Bosnian Croats. The thousands of refugees from Croatia and Bosnia who were currently living in desperate conditions in Voivodina and other parts of Yugoslavia could become a danger to Croatia if their country of origin continued to deprive them of their homes, property and human dignity. Both in Bosnia and Herzegovina and in Croatia, there had been some successful cases, which showed that a breakthrough would be possible if the political will were present. Since there was almost no such will, the progress that had been achieved was due almost exclusively to pressure from the international community.

25. The consequences of the Kosovo conflict continued to be felt throughout the Balkan region and, above all, in the Federal Republic of Yugoslavia, where fear continued to fuel the movement of populations, ethnic cleansing and the establishment of ethnically "pure" areas and enclaves. Special attention should be paid to the Muslim Slavs/Bosniaks who were continuing to leave the Federal Republic of Yugoslavia for Bosnia and Herzegovina, Turkey and other countries. In both Serbian and Montenegrin Sandzak, there were reports that Albanians in Kosovo were responsible for the killing and abduction of and violent attacks on Muslims/Bosniaks and that the Yugoslav bureaucracy, army and police were violating the rights of those people. Although all the Muslim representatives had expressed their support of democratic, non-violent solutions, it must be borne in mind that, if the situation in Kosovo, Bosnia, Montenegro and Serbia did not improve, the Sandzak region could become a new focus of humanitarian

crises. The memorandum calling for the unification of Sandzak, which was currently divided between Serbia and Montenegro, had become a source of new tensions since although it did not challenge the unity of Yugoslavia, it called into question that of Montenegro. That was especially dangerous because the region in question lay along the border with Kosovo and was closely watched by the Yugoslav army. Furthermore, hopes for a greater Albania were in the air and some Belgrade politicians preferred chaos so that they could remain in power.

26. The international community had made few efforts to avert the looming humanitarian catastrophe caused by the destruction and collapse of the civilian infrastructure in Yugoslavia. Assistance in the form of heating oil, which had been offered to Serbian cities whose leaders were opposed to the current regime, must be offered to all cities. The international community must realize that embargoes and sanctions brought suffering only to the people, never to the leaders, and that in any situation other than that of war, they constituted a flagrant violation of human rights. The people had been bombed and their means of subsistence destroyed out of the preposterous conviction that to do so would harm the ruling class, but it was not true that a hungry, frozen people would be more willing to overthrow the regime. On the contrary, there was an impression that the West was not only against the Yugoslav regime, but also against its people. In any case, there appeared to be a shift in that attitude, as seen by the new policy of the European Union and the United States of America. It should be possible to put an end to the sanctions and embargoes since the most productive way of helping a country to make the transition to democracy was to open all communication channels.

27. In Kosovo, the ethnic cleansing of the Albanians that took place in spring had been replaced in autumn by the ethnic cleansing of Serbs, Roma, Bosniaks and other non-Albanians, and the problem was that those atrocities were being carried out in full view of the United Nations Interim Administration Mission in Kosovo (UNMIK), the International Security Force in Kosovo (KFOR) and the Organization for Security and Cooperation in Europe (OSCE). The transformation of the Kosovo Liberation Army (KLA) into a police force was seen as the surrender of the international community. The KLA leaders did not disguise their real intentions and wished that political body to retain the same structure as KLA. Under those circumstances, the Serbs who remained in Kosovo were reluctant to cooperate with the international community. The Serbs and the Roma demanded their own cantons, protected by KFOR, and the creation of a Serbian national guard. UNMIK and KFOR had courageously taken on the almost impossible task of implementing the Security Council resolution, and were working devotedly in an atmosphere of hatred in a totally devastated country, without the full support of the governments, which had failed to send the promised personnel in good time. In Kosovo, UNMIK had a mandate to guarantee the security of all citizens, oversee the return of the refugees, assist in the establishment of the institutions of democracy and civil society, contribute to the reconstruction of the country, remove arms from the territory and administer that territory as a part of the sovereign Federal Republic of Yugoslavia. It was, as had been expected, a difficult task. The Security Council resolution made it clear that regional stability and respect for human rights could only be guaranteed through the development of a democratic, tolerant and multi-ethnic community and that any border changes could only lead to greater atrocities. An independent Kosovo would encourage ambitions for a "greater Albania", thereby destabilizing the region.

28. A change of attitude was necessary. For example, no sympathy should be shown for the desire for revenge, since that would effectively encourage Albanian extremists to behave in the same way as the Serbian gangsters. Such an attitude could jeopardize the United Nations mission. There were some Albanians who believed that the best solution would have been the establishment of a protectorate, total disarmament and the imposition of local administration. On the other hand, in the refugee camps there were angry young men ready to fight for their rights if the international community could not protect them. The next spiral of violence could be instigated by the largest ethnic group of the region. He concluded by recalling the important task of the United Nations in Kosovo. Much was at stake, and the very future of the Organization depended on the outcome.

29. **Mr. Kondi** (Albania) expressed his serious concern that, for the second consecutive year, the Special Rapporteur had presented a partial and biased report that often exceeded his mandate. In effect, the report presented half-truths, while important events were not mentioned. For example, a detailed account

had been given of the prohibition placed on the sale of alcoholic drinks in Pristina, while the massacre at Recak had been ignored; the orthodox churches and monasteries that had been destroyed or damaged were discussed, while no mention was made of the mosques destroyed by the Serbs; when Albanians were discussed, no specific figures were given but they were in the case of the Serbs. The description given in the report of the conflict in Kosovo and its causes did not correspond to reality or to the testimony of other independent sources. Every figure provided by the Serbian authorities was taken literally, while the number of Albanian dead was never mentioned. Albania therefore wished to inform the Special Rapporteur that one million Albanians had been ethnically cleansed from Kosovo, thousands had been killed and that more than 60 per cent of those deported were children. It was surprising that those figures, which were given in the report of the Special Representative of the Secretary-General on the impact of armed conflict on children, had not been included in the report of the Special Rapporteur, on the grounds that that did not amount to ethnic cleansing. It was, furthermore, surprising that the national human rights office in Kosovo had no data on the Albanian dead, while new communal graves were uncovered every day. If the Special Rapporteur had visited Albania, he would have seen some 500,000 Albanian refugees from Kosovo and his report would have been more reliable.

30. The Special Rapporteur was exceeding his mandate to become merely a de facto spokesman for the Belgrade regime, requesting the lifting of all sanctions on the Federal Republic of Yugoslavia, attributing all ills to the States of the North Atlantic Treaty Organization (NATO) and advising that the property rights of an apartheid regime that had dispossessed the Albanians of their land and houses should be respected. He wished to remind the Special Rapporteur that it was Milosević who was responsible for four wars in the Balkans and who had launched ethnic cleansing campaigns against the Albanians and Bosnians. While he remained in power, there would be no democracy in Serbia. In view of the foregoing, Albania believed that the Special Rapporteur was failing to carry out his mandate, that he should refrain from passing judgement on the final status of Kosovo and should no longer be responsible for the situation of human rights in Kosovo.

31. **Mr. Schalin** (Finland), speaking on behalf of the European Union, asked if there was more information on freedom of expression in Croatia and the implementation of the laws relating to defamation. He asked the Special Rapporteur to give more details on the statement in paragraph 10 of the report to the effect that the political power structures continued to interfere in the judicial system. He also wished to know whether there was any reliable information on the number of those detained in, released from or visited in detention centres.

32. **Ms. Geelan** (Denmark) asked the Special Rapporteur if he had information on the parliamentary Ombudsman position in Croatia, in particular with respect to property issues.

33. **Mr. Socanac** (Croatia) said that it was unfortunate that in 1999 both the contents and the method of presentation of the report were being repeated yet again. Croatia had received the report only two days earlier, and his delegation had therefore been unable to prepare a detailed response. Furthermore, in the addendum to the report no mention was made of the measures adopted by the Croatian Government following the recommendations made by the Special Rapporteur. The submission of endless reports made no constructive contribution to resolving problems when implementation of previous recommendations was not evaluated. Moreover, he was concerned that the report did not clearly reflect the fact that Croatia had accepted all six United Nations core treaties in the field of human rights and had performed its reporting obligations thereunder. Similarly, no mention was made in the report of the presence in Croatia, since July 1996, of an OSCE mission that monitored the fulfilment of Croatia's obligations, nor of the fact that Croatia had been a member of the Council of Europe since 1996 and had ratified the European Convention on Human Rights in 1997. It was regrettable that the report of the Special Rapporteur contained less information than other regional reports such as those of the Council of Europe and OSCE and that, in some cases, it contradicted them.

34. It was surprising that the circumstances under which field officers from the Office of the United Nations High Commissioner for Human Rights worked had been described as "very difficult", when the chief of field mission in Croatia had full access to any institution he wished to visit and had stressed the level of cooperation achieved with the authorities in the

country. Finally, as the representative of a country promoting tourism, he was pleased that the last visit paid to Croatia by the Special Rapporteur had been primarily of a private nature. During his holiday, the Special Rapporteur had raised the issue of a young athlete who wished to be transferred to the United States of America. The fact that he deemed such matters worthy of his attention spoke well for the situation of human rights in Croatia but also indicated that the nature of the Special Rapporteur's mandate should be clarified and the merits of its extension should be evaluated.

35. **Mr. Rogov** (Russian Federation) drew attention to the figure of 200,000 Serbs, Roma and Bosnians who had been the victims of ethnic cleansing in Kosovo, as described in the report. Furthermore, the warning by the Special Rapporteur that shortly "there will likely be no Serbs in Kosovo south of the Ibar river" was alarming. He hoped that the conclusions of the report would be incorporated in the draft resolution to be submitted on that subject. He would be interested to know whether the Special Rapporteur believed that humanitarian intervention could serve to protect human rights and prevent inter-ethnic confrontation.

36. **Mr. Dienstbier** (Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina), replying to the remarks from the representative of Albania, denied that events in Kosovo in the spring had been ignored. He had visited camps during the war, when hundreds of thousands of people were being expelled from the province, as well as some in Macedonia, Montenegro and elsewhere, and he had reported immediately on the atrocities committed against Albanians in Kosovo. It was his duty to report on the current situation in Kosovo and to denounce human rights violations regardless of who committed them.

37. Replying to the question from the delegation of Finland on freedom of expression, he referred to the words "psychological anguish", as described in the report, which had been used to convict journalists who had published certain information about ministers, parliamentarians or people close to President Tudjman. It was in fact a tool for repressing the free press and the opposition. As for the independence of the judiciary, those who had lived in Communist countries knew very well what the independence of the judicial power meant in those countries. Judges were theoretically independent, but any decision regarding the enactment of a law ultimately depended on political leaders. The influence of politicians at all levels was a tradition in the country, and should be eliminated. Some progress had been seen, but it was very limited. As for the reliability of the statistics on Kosovo, he said that they were not reliable, except in the case of persons who had been registered. The Ministry for Refugees in Belgrade estimated that there were 620,000 refugees in Bosnia and Croatia, but that figure did not take into account the numerous people who had simply arrived at the homes of their relatives without being registered. Also, many mass graves were known to exist in Kosovo. About 2,500 bodies had been found so far, but there were many more graves and, as in the case of Bosnia and Herzegovina and Croatia, several years would pass before the exact number of victims was known.

38. Responding to a question from Denmark, he said that the ombudsman's office had worked very well in Croatia despite the attacks that it had undergone, and was functioning with a high level of independence. As for the complaint from the delegation of Croatia that it had received the report of the Special Rapporteur only two days previously, he said that it was logical that it should be released at the last moment, because it was an updated report. As to the criticism from Croatia of his reference to the very difficult conditions in which he had worked in the field, his words had been a general observation on the situation in the entire region and not an attack on the Government of Croatia. As for the case of the sportsman, he said that, like anybody else, he also liked to think about matters outside his field of work.

39. In response to the remarks from the Russian Federation, he said that full implementation of the Security Council resolution and the Dayton Agreement should be promoted, otherwise the United Nations would be discredited. Either the problems would be solved or the undertaking should be abandoned. Responding also to the delegation of Albania, he said that all the people whom he had met in his work, despite their differences of opinion, had a democratic spirit and rejected the atrocities committed against non-Albanians. For example, Albanian journalists had been heavily attacked by the official press agency of the provisional Albanian Government for having condemned the atrocities. Nonetheless, most Albanians

in Kosovo rejected those atrocities despite the danger involved.

40. **Ms. de Armas García** (Cuba) rejected the remarks of the Special Rapporteur on the functioning of the judicial power in Communist countries, calling them unfortunate, derogatory and inappropriate. It was regrettable that in some countries there had been difficulties in that respect on certain occasions, but that was due to the particular way in which the Communist system had been established and had functioned in those countries. Such generalizations therefore were unacceptable. The United Nations functioned on the basis of diversity in political, economic and social systems, and it was not part of the mandate of the Special Rapporteur to express opinions in favour of or against any particular system.

Report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda (A/54/359)

41. **Mr. Moussalli** (Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda) said that the report was based on four missions that he had carried out in Rwanda in the course of the year. He had just carried out a fifth mission in order to take part in a round table on human rights organized by the National Human Rights Commission of Rwanda, established in March with the support of the Special Representative. The purpose of the round table had been to begin a public discussion on the objectives and priorities of the Commission and to gather representatives of civil society and the country's main institutions, regional and international representatives, experts from national human rights commissions and representatives of non-governmental organizations from around the world. Three working groups had been formed, in which representatives of civil society in Rwanda had participated, particularly representatives of national associations which were active in the human rights field in the country. The first group had examined issues concerning the legal framework and the mandate of the Commission; the second had assessed protection and promotion activities and proposed some priorities relating to the essential preoccupations of civil society; and the third had dealt with cooperation and partnership at the national, regional and international levels.

42. The round table had agreed on the following objectives: to ensure that the Commission could examine complaints from the victims of human rights violations in the territory of Rwanda, institute the necessary judicial proceedings and visit prisons and similar places to draw up the relevant recommendations; to ensure that the victims of violations received proper compensation; to ensure that all laws, administrative decisions and governmental activities complied with internationally recognized human rights principles and that all reports of the Commission were published; to develop cooperation at the national, regional and international levels so as to promote education and the recognition of human rights in all sectors of the population, from women and children to the various State and non-governmental institutions; and lastly, to ensure cooperation and unity in the work of the National Human Rights Commission and the Commission for Unity and National Reconciliation. An appeal had also been made to the international community for the national debt of the Government of Rwanda to be forgiven or used to compensate the victims of genocide and support Government efforts in favour of the country's economic development. The debt mostly stemmed from loans provided to the previous Government of Rwanda between 1990 and 1994; those loans had been used to purchase all kinds of weapons which had been used for committing massacres. It was essential that the National Human Rights Commission should begin carrying out its activities and exercising its mandate independently and efficiently. For that purpose, the international community should provide financial and technical support, and it would be useful to set up an informal support mechanism in Kigali for monitoring international assistance to the two Commissions and cooperating with their representatives, the competent authorities in Rwanda, the Office of the High Commissioner for Human Rights, the United Nations Development Programme and financial backers.

43. He expressed the hope that the Committee would support the other recommendations contained in the report, including the one which he had been reiterating since 1997, concerning the establishment of a durable and effective peace benefiting all the peoples of the Great Lakes region. Respect for and promotion of human rights in the region would not last if peace, security and economic development for all did not prevail.

44. **Mr. Norfolk** (Canada) asked how human rights groups and organizations would benefit from the

establishment of a National Human Rights Commission and how they could be strengthened. With regard to the Commission, he wondered what steps should be taken next in order to put theory into practice and whether there were any specific recommendations concerning the informal support mechanism for the two Commissions.

45. **Mr. Schalin** (Finland), speaking on the question of refugees and villagization, asked whether refugees were in a situation similar to that of other displaced persons — in other words, whether they could choose their place of residence or whether the resettlement programme imposed any conditions on their return.

46. **Mr. Mutaboba** (Rwanda) praised the objectivity of the report of the Special Representative. The report stated that despite the progress achieved by the people and the Government in the area of democracy and human rights, there was not yet a culture of human rights owing to the fact that little time had passed since the hostilities and to the problems that had arisen. This was not a consequence of ill will on the part of the Government, but rather of the malicious campaign that certain individuals and institutions with close links to the ideology of Rwanda's past had launched in order to hinder the radical change that would make it possible to improve the situation of human rights and to build a future on the basis of national reconciliation. Some local human rights organizations were still working under the influence of those individuals and institutions, whose primary goal was to spread among the people a culture of division that the Rwandan Government was determined to combat as it had combated the culture of impunity in the Great Lakes region. The achievement of that goal would require the cooperation of all parties, including the human rights organizations which were distorting reality in order to damage the Government's reputation. One such example was the information on the situation in the prisons. It was true that most of the detainees were individuals accused of genocide (155,336 out of a total of 120,751) and that if it were not for those criminals, who had apparently awakened the international community's compassion, there would be a cell for every Rwandan prisoner. Of those detainees, 5,760 had been released and another 1,989 had been prosecuted; 294 had been sentenced to death and 586 to life imprisonment. Thus, the Rwandan Government was doing everything in its power to improve the situation. Another unfounded rumour spread by members of local human rights groups was that safe conducts were required for travel from one place to another. Furthermore, the description of villagization that the international community had been given was a lie disseminated for the sole purpose of denigrating the Government. Unlike other African countries, Rwanda had never had villages in the strict sense of the word. The purpose of villagization was to give the population, which had formerly been scattered at random over the hillsides, access to roads, health centres, supplies of water and electricity, education and other services. It was natural that some people should resist such change, but it was incomprehensible that the Government should be accused of human rights violations when it was, in fact, endeavouring to meet the most basic needs of the people, including the right to freedom of association.

47. **Mr. Moussalli** (Special Representative of the Commission on Human Rights on the situation on human rights in Rwanda), replying to the question by the representative of Canada, said that if there was a real desire to establish a culture of human rights in Rwanda, national organizations and local groups, which were prepared to cooperate with the National Human Rights Commission, must be provided with assistance. Such cooperation was essential since local groups could serve as intermediaries between civil society and the National Commission. The Swiss Government had expressed interest in helping to strengthen such cooperation by funding a seminar, and it would be appropriate for other donors to offer their support as well. As to the National Commission's priorities, its objectives were extremely ambitious and therefore difficult to achieve in the short term. The National Commission needed technical assistance in order to establish itself, but it was determined to carry out its work independently and carefully. It would be advisable to establish in Kigali an informal support mechanism composed of representatives of the National Human Rights Commission, the National Commission for Unity and Reconciliation, the Rwandan authorities, the Office of the High Commissioner for Human Rights, the United Nations Resident Coordinator and interested donors; that idea had been favourably received by representatives of the European Union. Lastly, it would be desirable to include in the General Assembly resolution a reference to the support that the two National Commissions needed in order to carry out their work.

48. In reply to the question by the representative of Finland, he said that Rwanda's situation could be considered exceptional since in a short period of time, it had had to accept 3 million returning refugees. Generally speaking, efforts had been made to facilitate the refugees' return to their places of origin but, in view of the large number of returnees, that had not always been possible. In the north-eastern provinces, villagization had been implemented for security reasons. It was understandable that that process had given rise to concern, but fortunately the Government was doing its utmost to ensure that the programme was carried out without coercion and that it provided the population with basic services. He urged delegations to promote pilot projects to study the question of public support for the villagization process.

49. He agreed with the representative of Rwanda that there was not yet a culture of human rights and with the reasons that the latter had put forward; however, he thought that the establishment of the National Commission for Unity and Reconciliation and the National Human Rights Commission would help to change that attitude. Furthermore, without peace, the people could not live in a climate of safety and respect for human rights; therefore, it was essential to find a solution that would make peace possible.

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (A/54/466)

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi

Report of the representative of the Secretary-General on internally displaced persons (A/54/409)

50. **Mr. Ndiaye** (Director, New York Office of the United Nations High Commissioner for Human Rights) introduced on behalf of their respective authors the reports of the Special Rapporteur on the situation of human rights in Iraq, the Special Rapporteur on the situation of human rights in Burundi and the representative of the Secretary-General on internally displaced persons.

51. In his ninth report on the situation of human rights in Iraq, the Special Rapporteur had once again stressed that whatever the arguments of the Government, there was no rule of law in Iraq; an arbitrary, totalitarian regime was using extreme and brutal force with total impunity to control the population. There were continued reports of extrajudicial executions of opponents of the Government. During the past two years, hundreds of prisoners had been executed. Furthermore, the Government was continuing its deliberate, long-planned practice of forced displacement, primarily of Kurds and Turkomans whose homes were then occupied by Arabs. There was a coercive policy of demographic change which violated international law; according to the available testimony, in the majority of forced displacements, agents of the Ba'ath Party and the security forces had resorted to the threat or use of force.

52. The fate of more than 16,000 persons at the hands of the armed forces over the past 10 years remained unknown. The Government's dismissive attitude to the question left no doubt as to its responsibility. With respect to the persons missing as a result of the occupation of Kuwait, Iraq continued to refuse to attend the meetings of the Tripartite Commission and the Technical Subcommittee and the whereabouts of some 600 persons continued to be unknown. Furthermore, in the marshes in the south of the country it appeared that, since August 1998, grave violations of human rights had repeatedly been carried out in the form of military attacks against civilian settlements. Such military campaigns had purported to relate to the need to seek out military deserters who had sought refuge in those communities, which the Iraqi forces had razed to the ground.

53. Since 1992, the situation of economic, social and cultural rights had continued to deteriorate. Millions of innocent people were suffering from lack of food, medicine, sanitation supplies and clean drinking water; all of that had severely disrupted the functioning of the health and education systems and affected the right to work. The privileged elite had not been affected, having reaped huge windfall profits from the black market. Far from complying with its obligations under the International Covenant on Economic, Social and Cultural Rights, the Government had done nothing to alleviate the extremely difficult living conditions of the population, but had used available resources to reinforce its power, while the security forces had increased their control. There were persistent reports that the regime was devoting massive human and material resources to the construction of palaces, all the

while denouncing the suffering of the poor. For years the regime had failed to take advantage of the food-for-oil programme and it had yet to contract for the purchase of infant food or to distribute such food in a timely manner. While the Government had been cooperating with the United Nations Office of the Iraq Programme since 1996, it was still failing to maximize use of its resources in order to fully guarantee the right to an adequate standard of living, including food and health services, which had a particular effect on the most vulnerable groups. In that regard, he wished to note the observation made by the Committee on Economic, Social and Cultural Rights to the effect that the imposition of sanctions did not in any way nullify or diminish the relevant obligations of States party to the International Covenant on Economic, Social and Cultural Rights, and that as in other comparable situations, those obligations assumed greater practical importance in times of particular hardship.

54. Several main conclusions could be drawn from the report, the first being that there was overwhelming evidence that the Government of Iraq had embarked on a deliberate, vicious and systematic campaign of human rights violations. Secondly, effective protection of human rights for the whole population of Iraq must be ensured through a human rights monitoring mechanism comprised of United Nations staff located throughout Iraq and providing a continuous flow of first-hand, impartial and verifiable information on the human rights situation. Finally, the cooperation of the Government of Iraq with the United Nations and, in particular, the Office of the Iraq Programme, was vital if effective humanitarian assistance for the population was to be ensured. In that regard, immediate and unrestricted access must be assured to aid agencies.

55. He had recommended to the Government of Iraq numerous specific actions which were necessary in order to ensure the protection of human rights; unfortunately, although almost nine years had elapsed since the establishment of his mandate, virtually none of those recommendations had been adopted. Furthermore, the Government had not cooperated with him since he had delivered his initial report some eight years earlier nor had it replied to his communications; it had refused to allow him to visit the country since 1992. More seriously, the Government had also refused to allow United Nations human rights monitors to be stationed in the country. Without a firm determination on the part of the international community to respond meaningfully to the extremely serious violations of human rights referred to in the report, the tradition of impunity which prevailed in Iraq would continue, dashing hopes for the re-establishment of the rule of law and the establishment of peace and stability in the region.

56. With regard to the situation of human rights in Burundi, he said that the Special Rapporteur had not been able to submit her provisional report, as her first mission had been from 8 to 22 October 1999, a period during which a number of serious incidents had taken place, including armed attacks on Bujumbura, the creation of new regroupment camps called "protection sites" and the murder of two United Nations officials and a number of Burundians, which attested to the insecurity of the current situation in Burundi and had obliged her to postpone her visits to the interior of the country. However, she had had the opportunity to interview a large number of persons and to visit prisons, hospitals and other institutions in Bujumbura.

57. At the political level, despite the divisions, the internal collaboration appeared to be continuing. However, the renewed outbreaks of armed violence as the Arusha negotiations were nearing their final stage did not augur well for the political future of Burundi, given the insecurity, economic deterioration and political exploitation of ethnic and regional divisions. The search for a solution to the conflict continued to be linked to the question of impunity and exclusion, and could not be divorced from events in neighbouring countries. With respect to the economic and social situation, the lifting of the embargo in January 1999 had not had the expected results, because agriculture, which was the country's economic base, had been greatly affected by the war and the population displacements, coming as they had right in the middle of the harvest season. Furthermore, the destruction of the infrastructure severely limited investment in development.

58. The concept of human rights prevailing among the political elite bore the negative imprint of certain traditions; accordingly, any policy aimed at the promotion of human rights should incorporate some positive traditional values. As it was, economic insecurity and instability had increased human rights violations, which were attributed to State agents, so-called rebel armed groups and unidentified gangs that frequently attacked the civilian population. The violence had reached as far as the capital. There had

been cases of extrajudicial executions. Following a rebel attack on Bujumbura, the Government had resumed its policy of forcibly displacing the civilian population to regroupment camps; currently there were more than 50 such camps, containing some 314,000 persons, predominantly women and children. That was causing flagrant violations of the right to life, liberty and security of person, freedom of movement and of the right to property, shelter, employment, health, education and food and the right to live in decent conditions. While the authorities claimed that the regroupment policy was intended to protect the civilian population, the situation in the camps made that appear doubtful.

59. Measures had been adopted in order to improve the functioning of justice, such as the approval of the code of criminal justice, which would enter into force in January 2000, measures aimed at combating irregularities in the administration of justice and the creation of a mechanism for legal aid. Nevertheless, from the visits that had been made, in addition to the examination of reports from human rights observers and the numerous testimonies received, it was clear that much still remained to be done in that field.

60. While the laws in force did not discriminate against women, women were disadvantaged because of the economic difficulties and traditional attitudes. Discrimination existed in political and educational circles. Women did not have the right to inherit, to own land or to enjoy the fruits of their own labour. Poverty led to prostitution and since prisoners were not segregated by sex there were many cases of rape. The situation of women did not feature among the Government's priorities. However, women's groups, supported by UNIFEM, UNDP and international non-governmental organizations, were taking steps to improve the situation of women. With regard to the situation of children, there were many problems, including forced displacement, abuse, family break-up, mutilation, lack of medical care and education, sexual exploitation, torture, deprivation of freedom and abandonment in the midst of armed conflict, which violated numerous articles of the Convention on the Rights of the Child.

61. In order to reduce the number of human rights violations, peace and security must be restored in Burundi; all parties should therefore be encouraged to take part in negotiations. To combat poverty, the economy should be revived by providing assistance for community projects through the granting of microcredits, and by supporting associations founded upon the principles of respect for human rights. Donors should be made more aware and should change their concept of development assistance so that the latter could have tangible effects on the economy.

62. The Government of Burundi should be urged to suspend its population displacement policy and adopt measures to protect human rights. To eliminate impunity and the irregularities in the judicial system, continuing support should be given to the judicial assistance programme managed by the country office of the United Nations High Commissioner for Human Rights. Support should also be given to initiatives undertaken in that regard by Government bodies, non-governmental organizations, human rights associations and multilateral bodies. To strengthen a human rights culture, stronger support should be given to the campaigns to promote human rights and human rights education which had been prepared in Burundi in collaboration with the Office of the High Commissioner. During phase IV, emergency humanitarian aid should continue but appropriate safety precautions should be taken. In the current crisis, the struggle for respect for human rights served to ensure the survival of the population. However, the current number of observers from the Office of the United Nations High Commissioner for Human Rights was insufficient, and the resources provided to that campaign must be increased. Generally, the human rights situation had worsened. However, there was clearly a will to move forward in the political and judicial areas, and in civil society, where a culture of human rights and peace was growing.

63. Introducing the report of the representative of the Secretary-General on internally displaced persons, he referred to recent events in various parts of the world which demonstrated the current scope of the crisis of internally displaced persons, many of whom remained without access to international assistance. The United Nations was often their only means of receiving support. He welcomed the fact that the Inter-Agency Standing Committee and various Special Rapporteurs of the Commission on Human Rights had begun to make use of the Guiding Principles on Internal Displacement. At the regional level, the Commission on Refugees of the Organization of African Unity (OAU), the Inter-American Commission on Human Rights of the Organization of American States (OAS)

and the Organization for Security and Cooperation in Europe (OSCE) had undertaken initiatives to promote the use of the Principles in their work in the field. The office of the representative had organized a number of national and regional workshops, in collaboration with regional organizations, United Nations agencies and non-governmental organizations, to promote the diffusion of the Principles; similar meetings would continue to be held. Lastly, the Office for the Coordination of Humanitarian Affairs (OCHA) would soon publish an annotated version of the Guiding Principles and two manuals on their practical application.

64. The Inter-Agency Standing Committee, under the chairmanship of the Emergency Relief Coordinator, had proved to be an important vehicle for comprehensive international responses to the protection, assistance, reintegration and development needs of internally displaced persons. The country review carried out by the OCHA Senior Adviser on internally displaced persons should also help to ensure that responses were better coordinated. A policy paper on the protection of internally displaced persons, emanating from the discussions which the representative had held with the Emergency Relief Coordinator and the High Commissioner for Human Rights, would shortly be submitted to the heads of agencies on the Inter-Agency Standing Committee. Lastly, within the framework of the Standing Committee, training materials on internal displacement were being developed for field staff. Another important initiative by the Standing Committee had been the establishment of a global information network on internal displacement. The global database on internally displaced persons, developed on the initiative of the Norwegian Refugee Council, would also be an important tool.

65. National and international responses to internal displacement situations in specific countries continued to be the main focus of the work of the representative of the Secretary-General. In Colombia, the Government had undertaken institutional measures to enhance its response to the situation, which had deteriorated significantly — the number of displaced persons had reached one million and was continuing to grow. Moreover, most displaced persons did not have access to basic protection and assistance, and the crisis clearly demanded greater attention from the authorities. It was to be hoped that Colombia would take urgent measures and that the international community would pay greater attention to the situation. The representative's next report to the Commission on Human Rights would contain recommendations to the Government of Colombia and to the international community.

66. The situation of the internally displaced persons in Kosovo was serious, demonstrating that the measures which had been taken to provide international protection to internally displaced persons had been insufficient. In addition to the Kosovar refugees flooding into Albania and the former Yugoslav Republic of Macedonia, there were hundreds of thousands of internally displaced persons of whom the international community knew nothing and whose tragic fate was only beginning to be discovered. The international response in such circumstances needed to be comprehensive, encompassing both sides of the border so that it would also benefit those who remained within the country. The Kosovo crisis also underscored the need for reconciliation in societies wracked by ethnic violence; while most of the refugees had been able to return, internal displacement continued, now of ethnic Serbs and Roma. Their protection must also be an international concern.

67. As the Kosovo crisis had shown, the United Nations could not allow national or regional interests to become a basis for a selective response or permit international resources to be concentrated in one geographical area while other displaced persons were left unprotected. The needs of the internally displaced in Sierra Leone, Afghanistan, Angola and Chechnya, to mention but a few cases, also merited increased international attention and, although responsibility lay primarily with the national authorities, the international community should respond when a Government failed to fulfil its obligations. The representative of the Secretary-General had extremely limited resources to fulfil his mandate, although there were between 20 million and 25 million internally displaced persons in more than 40 countries. Another difficulty was access to places where internal displacement situations were occurring. Although many Governments had extended invitations to the representative of the Secretary-General and were cooperating with the international community, as in the case of Azerbaijan, Armenia and Georgia, there were other States which had not yet responded to his requests, such as Angola and Turkey. When a State refused to cooperate it obtained results which were the opposite of what it hoped for, because

that suggested that the Government was not fulfilling its responsibilities towards the internally displaced, which only highlighted the need for international attention.

68. Another practical difficulty faced by the representative of the Secretary-General was that, in some instances, borders moved around people. In such situations, internally displaced persons could become refugees overnight and vice versa, as had happened in the former Yugoslavia and the former Soviet Union. A similar problem had recently arisen in East Timor, where violence and mass displacements after the referendum had given rise to questions about how to define displaced populations. In cooperation with other special mechanisms of the Commission on Human Rights, an urgent appeal had been issued to the Government of Indonesia concerning the massive violations of human rights in East Timor, highlighting the Guiding Principles on Internal Displacement, in particular protection against arbitrary displacement, protection and assistance during displacement, safe return and resettlement, and access to humanitarian assistance. Those concerns could be studied further by means of a mission, in accordance with the relevant resolution of the Commission on Human Rights. The international community had become more aware of the situations which produced internal displacement, although recent developments around the world demonstrated that a comprehensive and effective system still had not been established. But rather than be discouraged by that glaring gap, the international community should build on the normative framework provided by the Guiding Principles, international response to those Principles, and the inter-agency collaboration which had developed. By building on those efforts, the international community could hope to develop a more predictable and comprehensive system for dealing with the world's displaced persons.

69. After introducing the three reports mentioned, he turned to other human rights questions and stressed the importance of adopting a comprehensive strategy concerning human rights and the right to development. After the appointment of an Independent Expert on the Right to Development, the Office of the High Commissioner for Human Rights had organized a high-level seminar on the question, and would hold other regional seminars. One of the foundations for integrating human rights into the development process was the adoption of a comprehensive, multidimensional and practical approach. Broader and increased cooperation between the Office and its partners in the system was one of the cornerstones of the policy to improve the effective enjoyment of human rights and fundamental freedoms.

70. Progress was being made within the United Nations Development Group, in particular the joint country evaluation processes and the United Nations Development Assistance Framework (UNDAF). The Office was working actively to identify indicators for joint country evaluation and on the preparation of a training module on human rights for country teams. Also within the framework of the Group, the Office had participated in the first meeting of the United Nations system/World Bank Learning Group on the Comprehensive Development Framework, as the integration of a human rights dimension into the process was a priority. Cooperation with UNDP had developed over the year in a very positive and constructive way, through the implementation of the joint Human Rights Strengthening Programme, the organization of regional training workshops for country offices, the preparation of a training manual on human rights and programming, and through collaboration in the preparation of the 2000 Human Development Report, entitled "Human Development and Human Rights".

71. With respect to the mandates established by the Commission on Human Rights in the area of economic, social and cultural rights, a number of activities had been undertaken during the year. The Special Rapporteur on the right to education had indicated in her first report to the Commission that she planned to focus on the international and national dimensions of implementing that right. The report of the Independent Expert on Extreme Poverty had identified the international standards relevant to extreme poverty and the conditions for its eradication. Her next report would focus on the best national practices and international efforts for poverty reduction, obstacles encountered and progress made by women living in extreme poverty, and would make recommendations and proposals in the sphere of technical assistance. The report of the Independent Expert on Structural Adjustment Policies, submitted to the Working Group on that topic, explored the links between structural adjustment programmes and the implementation of economic, social and cultural rights and presented basic principles for "adjustment with transformation",

along with recommendations for action at the international, regional and national levels. The Special Rapporteur on foreign debt had provided an outline of the steps that he would follow in the context of his mandate and focused on the need for greater collaboration and interaction with the various entities of the system dealing with the debt issue and its human impact.

72. In conclusion, he noted that there were many approaches to improving the effective enjoyment of human rights and fundamental freedoms, such as setting up independent national human rights institutions, on which his office placed particular importance. However, effective implementation of the right to development remained one of the priorities of the Office of the High Commissioner, and would reinforce and strengthen all its other activities.

73. **Mr. Nteturuye** (Burundi) said that he wished to make some clarifications concerning the report of the Special Rapporteur on the situation of human rights in Burundi to provide a better understanding of the political and humanitarian environment and the situation of human rights in that country. It was true that large-scale violations of human rights were being committed, as happened in any country suffering a civil war. Since 1993, there had been an internal and external rebellion whose instigators were committing terrorist acts against the people and receiving support from neighbouring countries, in particular the United Republic of Tanzania. The Burundian rebels had formed an alliance with the *interahamwe*, the former Rwandan Armed Forces (FAR) and other armed groups operating in the Democratic Republic of the Congo, which, after the Lusaka Agreement, had crossed through Tanzanian territory to deploy themselves in Burundi. The Government had had to assume its responsibility to protect the population and its borders, as well as the capital and its lines of communication. After the violence had intensified, the Government had decided to group people together in "protected sites". The Government was doing all that it could to meet the great humanitarian needs in the camps, and had requested help from the international community. The people could not be left at the mercy of terrorists and persons guilty of genocide, who claimed that they had taken up arms to liberate the people, while murdering humanitarian workers who had come to give them aid, like the UNICEF representative or the WFP staff member recently killed.

74. The grouping of the population was a temporary measure to protect them and neutralize the rebels, who had thus lost their human shields and their means of resupply, prompting them to raise the alarm among the international community by spreading lies and presenting exaggerated figures. In the rural areas around Bujumbura, the security situation had continued to improve gradually and it was expected that the people could soon return to their homes. In the meantime, the security forces accompanied the farmers during their farm work or harvesting. The forces might commit excesses in such situations, but they were severely punished in accordance with military regulations, as the Burundi office of the High Commissioner for Human Rights could corroborate. However, the basic reason for the negative human rights situation in the country was the state of war.

75. The problems affecting the administration of justice were also due to the social crisis, and a series of reforms had been initiated in order to remedy them, including a reform of the Code of Criminal Procedure. Burundi had requested international assistance in that sector, which was very important for achieving its goal of national reconciliation. The Government had requested the United Nations to establish an international criminal tribunal for Burundi, for the purpose of achieving justice for the various tragedies that the country had suffered since its independence, in particular the genocide of 1993, which the members of the latest United Nations fact-finding mission had recognized. In the Great Lakes region in general and in Burundi in particular, the social structure had been so fragmented since the beginning of the decade that reconciliation would be impossible without justice. Given that grave situation, the Government intended to continue the political dialogue until a comprehensive peace agreement was concluded. The conflict in Burundi could only be ended through political means. The tribal aspect highlighted by some was no more than a tool used by the intellectual elite to achieve its political objectives since there had been no tribal confrontation in the country since 1965.

76. Peace in Burundi would be the result of a process that would allow the necessary political institutions to be established in order to guarantee the rule of law and the welfare of all citizens. The Government, which represented various tendencies, had submitted a peace plan, which the international community should support in order to send a clear message to the radical

movements hostile to the process. The United Nations should put pressure on groups based in Europe and neighbouring countries which financed the buying of weapons and incited violence. In order to halt hostilities, the armed factions wishing to join the process should be invited to the negotiating table. Moreover, it was important to stress that, if international cooperation was interrupted, a hostile environment would be created which could weaken the Government and its peace process and endanger respect for human rights. The Burundian economy was on the verge of collapse, and a social explosion could be imminent.

77. Burundi could not achieve peace without stability in the region, and the problems of stabilization were linked to combating the ideology of genocide affecting the Great Lakes region. In order to root out that evil, it was necessary to fight that contagious ideology, neutralize all the means for spreading it, and dismantle the armed genocidal forces in the region. The objective was to end the war, which was a humanitarian tragedy and the basis for massive violations of human rights.

The meeting was suspended at 6.55 p.m. and resumed at 7.10 p.m.

78. **Mr. Al-Humaimidi** (Iraq) said that his delegation intended to exercise its right of reply at the beginning of the Committee's next meeting.

79. **Ms. Kapalata** (United Republic of Tanzania) said that her delegation regretted that the report on Burundi had not been submitted in sufficient time to allow a more substantive debate to be held on the item. In reply to the representative of Burundi, she pointed out that her Government had no armed groups to carry out subversive acts in any country, much less Burundi, a country which the United Republic of Tanzania had done everything in its power to help. Indeed, her country had received refugees not only from Burundi, but also from all its neighbouring countries experiencing conflict, such as Rwanda and the Democratic Republic of the Congo.

80. **Ms. Nduku** (Democratic Republic of the Congo) said that her delegation rejected the statements made against her country. There were no citizens of Burundi in the armed forces of the Democratic Republic of the Congo. The real reason for the instability in the Great Lakes region was the lack of national cohesion in Burundi.

81. **Mr. Bhattacharjee** (India) said that his delegation did not agree with the view expressed in paragraph 98 of the report of the representative of the Secretary-General on internally displaced persons (A/54/409), which stated that "it is not acceptable that countries experiencing serious problems of internal displacement should be able to evade international scrutiny". In his view, it was for those countries to determine the extent of the problem. Nor did he understand why India had been included among those countries.

82. **Mr. Nikiforov** (Russian Federation) said that no analogy could be drawn between Chechnya and the other countries mentioned by the representative of the Secretary-General on internally displaced persons. Furthermore, the report contained incorrect conclusions; and he denied that the representative had requested clarifications or information from his Government.

The meeting rose at 7.30 p.m.